



**Town of Grafton
Zoning Board of Appeals
30 Providence Road
Grafton, MA. 01519**

508-839-5335 x 1154 - Fax: 508-839-4602

E-mail: koshivosk@graffton-ma.gov

Website: www.graffton-ma.gov

Zoning Board of Appeals

New Case Notice

Case Number #

2021 / 880

The Grafton Board of Appeals has received a petition from **SCOTT MORRISON**
for **45 CREEPER HILL ROAD** requesting that the Zoning Board of Appeals grant a

Variance

to allow: RELIEF FROM SEC. 3.3.3.4 OF THE GRAFTON ZONING BY-LAW REQUIREMENT THAT A
DRIVEWAY BE LOCATED 10' FROM THE PROPERTY LINE.

Map: 10 Lot: 45 Block: 000

The Board will conduct a Public Hearing on **Friday, January 7, 2022** at **7:00 PM** in Conference
Room A, at the Municipal Center, 30 Providence Road, Grafton, MA 01519 to consider this request.

ZONING BOARD OF APPEALS

Brian Waller, Chairman

Marianne Desrosiers, Vice Chairman

Kay Reed, Clerk

William Yeomans, Member

William McCusker Member

Peter Adams, Alternate

Mitali Biswas, Alternate

Scott Morrison
152 Winter Hill Road
Holden, MA 01520
(508) 328-5935
smmorrison1212@gmail.com

RECEIVED

NOV 10 2021

Zoning Board of Appeals

work: smorrison@ecotecinc.com

November 10, 2021

Grafton Zoning Board of Appeals
Municipal Center
30 Providence Road
Grafton, MA 01519

Re: 45 Creeper Hill Road (easement on #43), Grafton
Applicant: Scott Morrison

Dear Zoning Members:

Enclosed please find two (2) copies of a Variance Application for the above referenced property. This filing comprises:

1. This cover letter;
2. The Petition to the Zoning Board of Appeals;
3. Copy of the Tax Map and certified abutters lists (45 and 43 Creeper Hill Road)
4. Certificate in Good Standing form;
5. Property owner authorization;
6. Check in the amount of \$165.00; and
7. Site Plans by DC Engineering revised through October 4, 2021.

This variance application is requested to allow relief of the requirement at 3.3.3.4, which requires a driveway to be located 10-feet or more from a property line. The proposed driveway will access 45 Creeper Hill Road within the roadway frontage, run along the easterly property line, pass across the abutting property within an easement, and re-enter the subject property after avoiding steep slopes and wetland resource areas. The attached plans provide details of the project.

Lot 5 (AKA) 45 Creeper Hill Road was created through an ANR approval plan signed by the Planning Board of May 19, 1986. This plan was subsequently recorded at the Worcester Registry of Deeds on November 21, 1986. An easement across Lot 4 (AKA 43 Creeper Hill Road) was subsequently granted for the benefit of Lot 5 allowing the installation of a driveway, utilities and other incidental purposes and is depicted on a plan record on July 31, 1987 along with an easement deed recorded on July 14, 1987. This driveway easement appears to have been created to avoid topographical (steep slopes) and soil conditions (wetland resource areas) to minimize the clearing, grading, and wetland impacts.

The property information is as follows:

OWNER/EASEMENT INFORMATION:

45 Creeper Hill Road (Lot):

Owner:

Michael & Selma Abdelahad
14 Bryant Road
Shrewsbury, MA 01545

RECEIVED TOWN CLERK
GRAFTON, MA
2021 NOV 10 AM 9:38

Grafton Zoning Bboard of Appeals
November 8, 2021
Page 2.

Assessors Map 10, Parcel 45
Deed Book 57869, Page 70

43 Creeper Hill Road (easement):

Owner:
Katheryn Mason
43 Creeper Hill Road
Grafton, MA 01536

Assessors Map 10, Parcel 44
Deed Book 65348, Page 375
Easement Deed Book 10677, Page 260

The following provide a brief description of how this request satisfies the conditions to be met to allow the Zoning Board to grant a Variance.

Hardship Exists:

The property contains a steep topography and difficult soil conditions including wetlands and flood zone. As such, full compliance with the Bylaw would require substantial additional clearing grading and direct wetland impacts to allow a driveway to be constructed 10-feet or more from the lot line. This would be required to provide wetland replication and compensatory flood storage to satisfy the requirements under the Wetlands Protection Act and Wetlands Protection Bylaw. By utilizing the easement, the driveway avoids direct wetland impacts, minimizes the extent of flood zone impacts, which minimizes the clearing and grading necessary to construct a driveway. Therefore, the requirement to maintain a 10-foot setback results in a hardship.

Condition affecting the property is incidental to this property and not generally affecting other parcels within the Zoning District:

This is a unique situation and the applicant is not aware of any other lots in the R40 Zoning District that contain an easement on an abutting lot allowing a driveway to avoid direct wetland impacts by passing through an easement created for this purpose.

Variance May be granted without substantial detriment to the Public Good:

This variance allows for avoidance of wetland fill, significant reduction in flood zone impacts, and results in a significant decrease in the extent of clearing and grading required to install the driveway. This appears to be the intent of this Bylaw requirement. Furthermore, the driveway has been designed to avoid the abutters existing shed/garage, which is located within the easement area. This was done to minimize the affects to the abutting property owner while minimizing impacts to the steep topography and the soils.

A variance cannot substantially derogate from the interest and purpose of the Bylaws:

The applicant requests a variance to allow the driveway to be located within 10-feet of the lot line and remain within the easement within Lot 4 (43 Creeper Hill Road) to allow for minimization of the clearing and grading required to construct the driveway. This will provide more trees and vegetation to remain when compared to a fully compliant driveway. This variance is required due to the topography and soil

EcoTec, Inc.

Grafton Zoning Bboard of Appeals

November 8, 2021

Page 3.

conditions on the site. Therefore, the requested variance will not substantially derogate from the intent and purpose of the Grafton Zoning Bylaw.

I look forward to meeting with the Board regarding this project. If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott M. Morrison".

Scott M. Morrison

17/E/GraftonCreeperHill45ZBALetter

EcoTec, Inc.

**PETITION TO THE ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS**

DATE: 11/8/21

I/We hereby petition your Board to conduct a public hearing and consider the granting of relief from under hardship resulting from literal enforcement of the protective Zoning Bylaw, by exercising your power to:

(Mark one)

- ☐ Review refusal of Selectman or others to grant a permit
- ☒ Grant a **VARIANCE** from the terms of the Zoning Bylaw, SECTION 3.3.3.1.
- ☐ Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

FOR LAND/BUILDINGS AT 45 Creeper Hill Road, Grafton

TO ALLOW: a driveway less than 10' from a property line, (see attached detail)

Please complete this entire section:

45 Creeper Hill Road

Location of property: 45 Creeper Hill Road Tax Plan # 10 Plot # 45

Zoning District in which the property is located: R40

Title of Property in name of: Michael & Selma Abdelahad

Whose address is: 14 Bryant Road, Shrewsbury, MA 01545

Deed recorded in Book # 57869, Page # 70

Plan Book # 566, Plan # 13

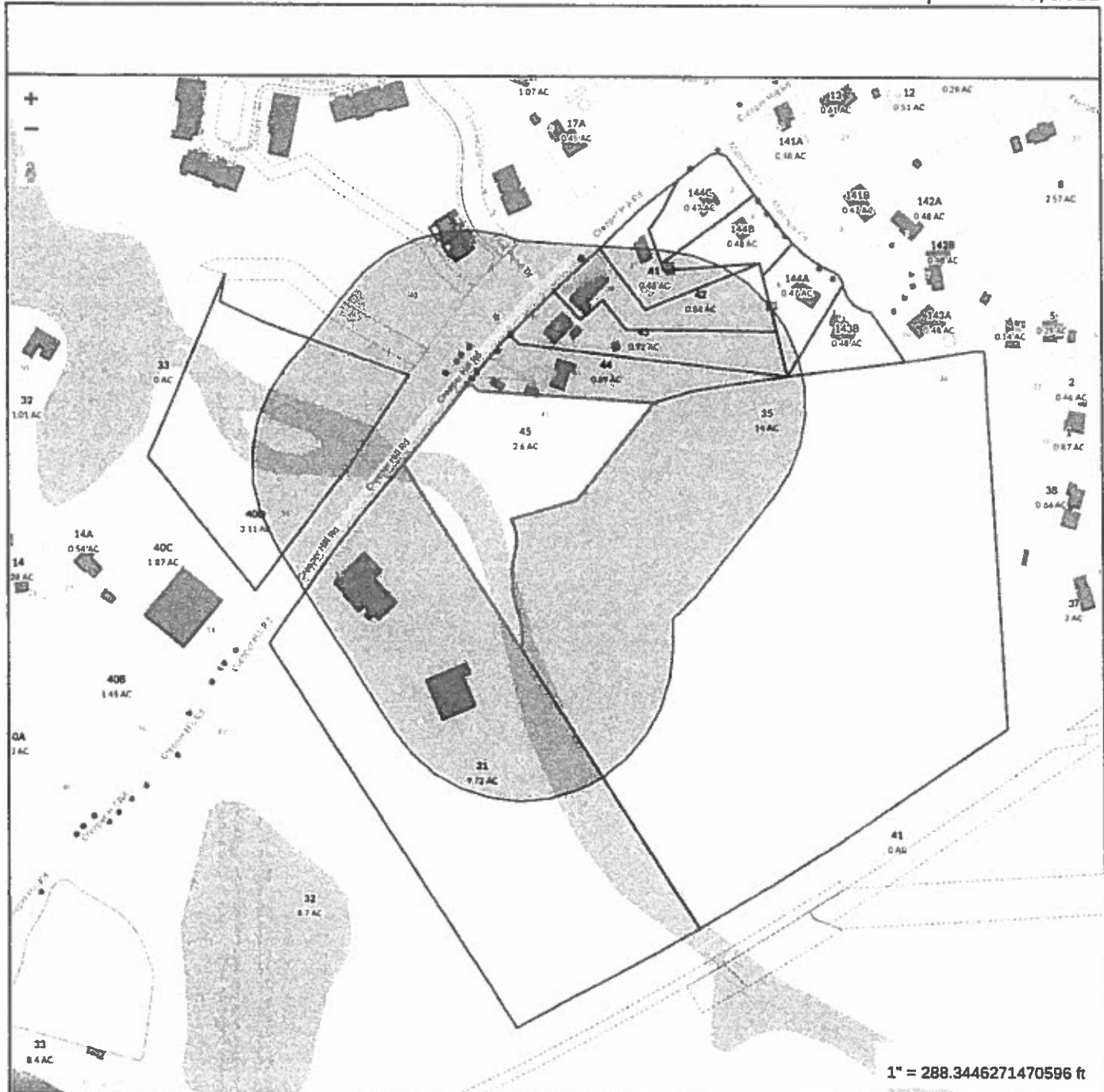
Signature of Petitioner: [Signature]

Print Name Scott Harrison

Address of Petitioner: 192 Winter Hill Road, Halden, MA 01520

Phone Number of Petitioner: (508) 328-5935

[Signature]



Property Information

Property ID	010.0-0000-0045.0
Location	45 CREEPER HILL ROAD
Owner	ABDELAHAD MICHAEL



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town of Grafton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/23/2021
Data updated 3/23/2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
Phone: (508) 839-5335 ext 1170 • FAX: (508) 839-4602
www.grafton-ma.gov

TREASURER / COLLECTOR

Certificate of Good Standing

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this "Certificate of Good Standing." with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector's Office.

Please note: it can take up to three (3) business days to process each request.

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input type="checkbox"/> Building - Inspection(s)	_____	_____	<input type="checkbox"/> Septic System	_____	_____
<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Conservation	_____	✓
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Planning	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input type="checkbox"/> Other	_____	_____

Other Permit: Conservation Commission application

Scott Morrison

Petitioner Name

Michael & Selma Abdelahad

Property Owner / Company Name

152 Winter Hill Road

Petitioner Address

45 creeper Hill Road

Property Address

Holden, MA 01520

City, State, Zip

Grafton, MA

City, State, Zip

508-328-5935

Phone

Date:	Current	Delinquent	N/A
Real Estate	✓		
Personal Property			✓
Motor Vehicle Excise			✓
Disposal			✓
General Billing			✓

Beth Schrottman

Treasurer / Collector Name (please print)

Beth Schrottman

Treasurer / Collector Signature

7/21/2021

Date

24. ADDITIONAL PROVISIONS

- (a) The initialed riders, if any, attached hereto, are incorporated herein by reference:
Excused Delay addendum.
- (b) Buyer to obtain all required permits for construction as a single family home at
his own expense prior to closing.

Michael Abdelahad
dotloop verified
07/21/21 8:24 PM EDT
NT06-BAC8-EZTN-GA3R

SELLER C. MICHAEL ABDELAHAD

[Signature]
BUYER SCOTT MORRISON

Selma Abdelahad
dotloop verified
07/21/21 8:43 PM EDT
1118-M8QG-VRVT-0BRX

SELLER SELMA ABDELAHAD

(Date signed by Seller)

7/21/2021

(Date signed by Buyers)

- (c) Buyer to obtain survey, engineering and conservation approval at
his own expense prior to closing.
- (d) Purchase contingent upon satisfactory review of driveway benefitting Lot #5.
easement
- (e) BUYER may submit applications to the Town of Grafton to avoid having
to chase SELLER for signatures.

EXISTING SITE IS WOODED
 PROPOSED LIMIT OF CLEARING IS EROSION CONTROL BARRIER OR LIMIT OF GRADING
 EXISTING AREA WITHIN 100'-INNER RIPARIAN ZONE: 31,301 S.F.
 EXISTING AREA WITHIN THE 200'-OUTER RIPARIAN ZONE: 27,315 S.F.
 PROPOSED DISTURBANCE WITHIN 100'-INNER RIPARIAN ZONE: 0 S.F.
 PROPOSED DISTURBANCE WITHIN 200'-OUTER RIPARIAN ZONE: 10,745 S.F.

TOWN OF CRAFTON ZONING
 ZONE = OJ - OFFICE/LIGHT INDUSTRIAL
 AREA = 40,000 S.F.
 FRONTAGE = 130'
 FRONT = 40 FT.
 SIDE = 35 FT.
 REAR = 35 FT.

DIG-SAFE

PHONE # 877-344-7233



ROBERT J. MORRIS
 PROFESSIONAL ENGINEER
 MASSACHUSETTS
 LICENSE NO. 10147

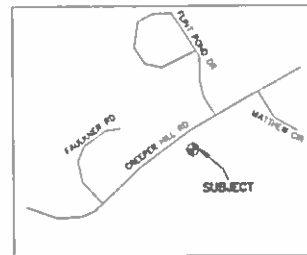
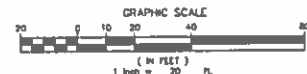
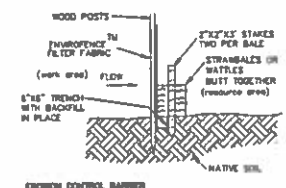
MASSACHUSETTS
 DEPARTMENT OF CONSTRUCTION
 DIVISION OF PERMITS
 100 STATE STREET, 10TH FLOOR
 BOSTON, MA 02109

NORTH



DIG
 DESIGN & CONSTRUCTION
 100 STATE STREET, 10TH FLOOR
 BOSTON, MA 02109
 TEL: 617-778-8888
 FAX: 617-778-8889

CLIENT: SCOTT MORRISON
 135 WINTER HILL ROAD
 CRAFTON, MA 01111
 SITE PLAN
 DATE: 9-27-2021
 SCALE: 1"=100'



LOT LOCUS
 SCALE: 1"=100'

SYMBOL KEY

- STONE WALL
- ROAD
- ROAD PAVE
- WELL HOLE
- UTILITY POLE
- WELL
- STUT POST
- PIERC POST
- EROSION MARK

Prepared By: Scott Morrison
 August 22, 2021

Lot 5
 3.00 Acres
 Map No. 300 PL 12

PROPOSED PILE PLACED BETWEEN DATE: 2024-2025 = 100 S.F. (200 S.F.)
 PROPOSED SPREADER BETWEEN DATE: 2024-2025 = 400 S.F. (800 S.F.)
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9/23/2021

45 Creeper Hill Road
Map 10 Lot 45


Cody Herd, Data Collector

PARCEL ID	LOCATION	OWNER 1	OWNER 2	ADDRESS	CITY	ST	ZIP	BK	PG
010.0-0000-0035.0	38 ELM STREET	GRAFTON TOWN OF	NELSON PARK TRUSTEES	30 PROVIDENCE ROAD	GRAFTON	MA	01519	0	0
010.0-0000-0041.0	37 CREEPER HILL ROAD	THEBADO CHARLES		37 CREEPER HILL ROAD	N GRAFTON	MA	01536	45444	75
010.0-0000-0042.0	39 CREEPER HILL ROAD	BELL IAN S	BELL RENEE L	39 CREEPER HILL RD	N GRAFTON	MA	01536	14247	290
010.0-0000-0043.0	41 CREEPER HILL ROAD	MILLS GARRETT S	MILLS JACQUELINE A	41 CREEPER HILL ROAD	N GRAFTON	MA	01536	22523	80
010.0-0000-0044.0	43 CREEPER HILL ROAD	MASON, KATHRYN		43 CREEPER HILL ROAD	N GRAFTON	MA	01536	65348	375
010.0-0000-0045.0	45 CREEPER HILL ROAD	ABDELAHAD MICHAEL	ABDELAHAD SELMA	14 BRYANT ROAD	SHREWSBURY	MA	01545	14776	13
010.0-0000-0143.B	8 MATHEW CIRCLE	PASTERNAK MARK E	LEVENSON JANICE F	8 MATHEW CIRCLE	N GRAFTON	MA	01536	21544	271
010.0-0000-0144.A	6 MATHEW CIRCLE	SWANICK PATRICK J	SWANICK HEIDI R	6 MATHEW CIRCLE	N GRAFTON	MA	01536	22780	58
010.0-0000-0144.B	4 MATHEW CIRCLE	TAYLOR SCOTT R	TAYLOR CHARLEEN B	4 MATHEW CIRCLE	N GRAFTON	MA	01536	26874	1
010.0-0000-0144.C	2 MATHEW CIRCLE	LEBEL JAMES J	LEBEL JULIE A	2 MATHEW CIRCLE	N GRAFTON	MA	01536	17002	17
010.0-1849-0016.0	3 FLINT POND DRIVE	TAFT ELIZABETH J TRUSTEE	EDWARD P TAFT II REVOCABLE TRUST	3 FLINT POND DRIVE	N GRAFTON	MA	01536	55014	356
010.0-1850-0016.0	1 FLINT POND DRIVE	SMITH LINDA E	GRADY LIZETTE A	1 FLINT POND DRIVE	N GRAFTON	MA	01536	52670	330
018.0-0000-0031.0	51 CREEPER HILL ROAD	51 CREEPER HILL ROAD LLC		52 NORTH STREET	GRAFTON	MA	01519	59078	349
018.0-0000-0040.D	50 CREEPER HILL ROAD	VALENTE GERALD TRUSTEE	VALENTE FAMILY TRUST	1 TEMPLE COURT	SHREWSBURY	MA	01545	5498	14